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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,391	08/18/2003	Heinrich Heilbronner	Y3-6	3625
39648 7	590 06/15/2006	EXAMINER		
ANDREW F. YOUNG, LACKENBAUGH SIEGEL, LLP ONE CHASE ROAD SCARSDALE, NY 10583			CHU, CHRIS C	
			ART UNIT	PAPER NUMBER
SCARSDALL	141 10505		2815	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)			
	10/643,391	HEILBRONNER ET AL.			
Office Action Summary	Examiner	Art Unit			
	Chris C. Chu	2815			
The MAILING DATE of this communication ap	pears on the cover sheet v	vith the correspondence address			
Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period  - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	(ATE OF THIS COMMON 136(a). In no event, however, may a will apply and will expire SIX (6) MC	a reply be timely filed  ONTHS from the mailing date of this communication.  ABANDONED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on	<u>_</u> .				
2a) This action is <b>FINAL</b> . 2b) Thi	☐ This action is FINAL. 2b)☐ This action is non-final.				
3) Since this application is in condition for allower	ance except for formal ma	atters, prosecution as to the merits is			
closed in accordance with the practice under	Ex parte Quayle, 1935 C	.D. 11, 453 O.G. 213.			
Disposition of Claims					
-	on.				
4) Of the above claim(s) is/are withdra	<ul> <li>✓ Claim(s) 1 - 29 is/are pending in the application.</li> <li>4a) Of the above claim(s) is/are withdrawn from consideration.</li> </ul>				
5) Claim(s) is/are allowed.					
6) Claim(s) is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s) 1 - 29 are subject to restriction and/o	or election requirement.				
Application Papers					
9) ☐ The specification is objected to by the Examir 10) ☐ The drawing(s) filed on is/are: a) ☐ ac	rented or h)□ objected:	to by the Examiner.			
Applicant may not request that any objection to th	e drawing(s) he held in abe	vance. See 37 CFR 1.85(a).			
Applicant may not request that any objection to the Replacement drawing sheet(s) including the corre	ection is required if the draw	ing(s) is objected to. See 37 CFR 1.121(d).			
11) The oath or declaration is objected to by the I	Examiner, Note the attacl	hed Office Action or form PTO-152.			
11) Ine oath of declaration is objected to by the					
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreig	gn priority under 35 U.S.C	). § 119(a)-(d) or (f).			
a)⊠ All b)□ Some * c)□ None of:					
1. Certified copies of the priority docume	nts have been received.	A P. Car Na			
2. Certified copies of the priority docume	nts have been received in	n Application No			
3. Copies of the certified copies of the pr	riority documents have be	en received in this National Stage			
application from the International Bure	eau (PCT Rule 17.2(a)).	not received			
* See the attached detailed Office action for a li	ist of the certified copies i	iot received.			
Attachment(s)					
1) Notice of References Cited (PTO-892)		ew Summary (PTO-413)			
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/I	08) 5) Notice	No(s)/Mail Date  of Informal Patent Application (PTO-152)			

## **DETAILED ACTION**

## Election/Restrictions

- 1. This application contains claims directed to the following patentably distinct species:
  - a. Species I, as shown in Fig. 1;
  - b. Species II, as shown in Fig. 2;
  - c. Species III, as shown in Fig. 3;
  - d. Species IV, as shown in Fig. 4; and
  - e. Species V, as shown in Fig. 5.

The species are independent or distinct because the shape, number and location of the port conductors and a spacer is included or not.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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2. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris C. Chu whose telephone number is 571-272-1724. The examiner can normally be reached on 11:30 - 8:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Parker can be reached on 571-272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chris C. Chu Examiner Art Unit 2815

c.c. Wednesday, June 07, 2006

KENNETH PÅRKER SUPERVISORY PATENT EXAMINER